

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

NATIONAL ASSOCIATION OF HOME  
BUILDERS OF THE UNITED STATES, *et*  
*al.*,

*Plaintiffs,*

v.

R. ALEXANDER ACOSTA,  
SECRETARY OF LABOR,  
in his official capacity, *et al.*,

*Defendants.*

CIV-17-009-PRW

**DEFENDANTS' MOTION TO DISMISS AND MOTION FOR  
SUMMARY JUDGMENT**

Defendants hereby move to dismiss the amended complaint for lack of subject matter jurisdiction, pursuant to Federal Rule of Civil Procedure 12(h)(3), and move for summary judgment, pursuant to Federal Rule of Civil Procedure 56(a). Attached in support of Defendants' motion are a memorandum of points and authorities, an index of exhibits from the administrative record, and the exhibits themselves.

Dated: June 24, 2019

Respectfully Submitted,

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Assistant Director, Federal Programs  
Branch

/s/ Michael H. Baer

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